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As Conservator For Western Corporate Federal Credit Union .

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 1ST VALLEY CREDIT UNION; CASCADE  
11 FEDERAL CREDIT UNION;  
GLENDALE AREA SCHOOLS FEDERAL  
12 CREDIT UNION; KAIPERM NORTHWEST  
FEDERAL CREDIT UNION; NORTHWEST  
13 PLUS CREDIT UNION; STAMFORD  
FEDERAL CREDIT UNION; and TULARE  
14 COUNTY FEDERAL CREDIT UNION,

15 Plaintiffs,

16 v.

17 DONNA BLAND, ROBERT BURRELL,  
JEREMY CALVA, WILLIAM CHENEY,  
18 LAURA CLOHERTY, GORDON DAMES,  
ADAM DENBO, DIANA R. DYKSTRA, JEFF  
HAMILTON, ROBERT H. HARVEY, JR.,  
19 JAMES HAYES, WAYNE HOPE, DWIGHT  
JOHNSTON, JAMES P. JORDAN, TIMOTHY  
20 KRAMER, ROBIN J. LENTZ, SUSANNE  
LONGSON, JOHN M. MERLO, WARREN  
21 NAKAMURA, BRIAN OSBERG, DAVID  
ROUGHTON, TIMOTHY SIDLEY, ROBERT  
22 SIRAVO, DAVID TRINDER, DARREN  
WILLIAMS, RISKSPAN INC., and DOES 1  
23 through 100, inclusive.

24 Defendants

25 and

26 NATIONAL CREDIT UNION  
ADMINISTRATION AS CONSERVATOR  
27 FOR WESTERN CORPORATE FEDERAL  
CREDIT UNION,  
28 Intervenor.

Case No.: CV10-01597 GW  
(MANx)

**RULE 26 CONFERENCE  
REPORT**

**Scheduling Conf.**  
**Date : May 20, 2010**  
**Time : 8:30 a.m.**  
**Place : Ctrm. 10**

1 The parties in this case, which was stayed until May 3, 2010, by order of the  
2 Court dated March 17, 2010, met and conferred by telephone on April 29, 2010,  
3 pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. The parties report  
4 the following:

5 This action was brought by a group of seven retail credit unions (the  
6 “Plaintiffs”) who are members of the Western Corporate Federal Credit Union  
7 (“WesCorp”). The defendants are former and current officers and directors and  
8 members of the supervisory committee of WesCorp and RiskSpan, Inc.,  
9 (“Defendants”). The National Credit Union Administration (“NCUA”) as  
10 Conservator of WesCorp (the “Conservator”) intervened in this action on February  
11 24, 2010, and removed to this Court.

12 The Conservator contends that it is the real party in interest and has the right  
13 to pursue this litigation. The Conservator and Plaintiffs have discussed this matter,  
14 but they have been unable to reach agreement. The Conservator intends to file a  
15 motion no later than May 10, 2010, to substitute itself as the real party in interest in  
16 this case.

17 In addition, two attorneys participating in the conference stated that they are  
18 in the process of being retained by former officer and director defendants. Ms.  
19 Janlynn R. Fleenor of Downey Brand expects to be representing defendant Donna  
20 Bland and Mr. Bruce Ericson of Pilsbury Winthrop Shaw Pittman LLP expects to be  
21 representing most or all of the other defendants currently represented by Mr.  
22 Moore: Robert Burrell, Adam Denbo, Diana R. Dykstra, Robert H. Harvey, Jr.,  
23 Wayne Hope, James P. Jordan, Timothy Kramer, Robin J. Lentz, Susanne Longson,  
24 John M. Merlo, Warren Nakamura, Brian Osberg, David Roughton, Robert Siravo,  
25 and Darren Williams. Former directors William Cheney and Gordon Dames have  
26 not yet been served and have not yet chosen counsel.

27 At the Rule 26 conference, the parties agreed that because of appearance of new  
28 counsel, the uncertainty of the identity of the real party in interest and the unsettled

1 state of the pleadings at this time, it was premature to address the matters covered in  
 2 Rule 26(f). The parties therefore propose that (1) the time for Defendants who have not  
 3 yet responded to respond to the complaint be extended to thirty (30) days after the party  
 4 or parties determined by the Court to be the real party in interest either (a) files an  
 5 amended complaint or (b) serves notice that it or they intend to proceed on the existing  
 6 complaint; and (2) the time to provide initial disclosures as required under Rule 26 of  
 7 the Federal Rules of Civil Procedure be extended to thirty (30) days following  
 8 expiration of the time for all parties to respond to the complaint as set forth above.

9 The parties have prepared and are concurrently submitting a stipulation and  
 10 proposed order to that effect. The parties also request that the scheduling  
 11 conference be continued accordingly.

12 Respectfully submitted:

13  
 14 DATED: May 5, 2010

LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
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 MICHAEL E. PAPPAS  
 MICHELLE K. SUGIHARA

17 By: /s/ Michael H. Bierman  
 18 Michael H. Bierman  
 19 Attorneys for The National Credit Union  
 Administration as Conservator for Western  
 Corporate Federal Credit Union.

20 DATED: May 5, 2010

KAMBER LAW LLC  
 SCOTT KAMBER  
 DEBORAH KRAVITZ

23 PARISI & HAVENS LLP  
 DAVID C. PARISI  
 SUZANNE HAVENS BECKMAN

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 27 David C. Parisi  
 Attorneys for Plaintiffs.

1 DATED: May 5, 2010

DOWNEY BRAND  
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3 By: /s/ Janlynn R. Fleener

4 Janlynn R. Fleener  
Attorneys for Defendant Donna Bland

5 DATED: May 5, 2010

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8 By: /s/ Duane Tyler

9 Duane Tyler  
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13 DATED: May 5, 2010

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17 Edwin V. Woodsome, Jr.  
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18 Cloherty, Jeff Hamilton, James Hayes, Dwight  
Johnston, Timothy Sidley, David Trinder

19 DATED: May 5, 2010

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